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DAVID WILLIAM BARTENWERFER
and KATE MARIE BARTENWERFER

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:

DAVID WILLIAM BARTENWERFER and
KATE MARIE BARTENWERFER

Debtors.

KIERAN BUCKLEY,

Plaintiff,

vs.

DAVID WILLIAM BARTENWERFER and
KATE MARIE BARTENWERFER,

Defendants.

Case No. 13-30827-HLB-7

Chapter 7

Adv. Pro. No. 13-03185-HLB

**JOINT DECLARATION OF DAVID
WILLIAM BARTENWERFER AND
KATE MARIE BARTENWERFER RE
CURRENT INCOME AND EXPENSES
IN SUPPORT OF DEFENDANTS'
MOTION FOR STAY PENDING
APPEAL**

[No Hearing Set]

David William Bartenwerfer and Kate Marie Bartenwerfer declare:

1. We are the Debtors and Defendants herein. The following facts are true and correct of our own personal knowledge. If called as witnesses, we could and would competently testify as follows.

2. Kate continues to be employed and earned a gross average income of \$18,604 per month for the reporting months September – November 2022, as set forth in **Exhibit “A”** attached hereto.

3. David had been unemployed since June 2019 through December 2021. David then obtained temporary employment as a 1099 contractor as of January 2022. David has generated an average of \$11,666 per month for the reporting months of September - November 2022 from

1 employment as 1099 contractor, as set forth in Exhibit "A" attached hereto.

2 4. Our family's monthly expenses for the reporting months of September - November
3 2022 are set forth in Exhibit "A" attached hereto.

4 5. There were changes in household income and expenses during the reporting months,
5 primarily due to an increase in pay during the reporting period months for Kate, increasing the income
6 by approximately \$2,158 per month for the reporting period months, and expenses showing an from
7 the previous reporting months by approximately \$2,709 per month for the reporting period months,
8 primarily due to auto lease payments, tax payments, and legal fees paid, as set forth in Exhibit "A"
9 attached hereto.

10 6. We have a demand for payment from the California Franchise Tax Board in the amount
11 of \$39,808, plus interest, for tax returns from the years 2010 and 2011. We dispute this liability and
12 will have to expend further time and resources on accountants to ensure that we are treated fairly and
13 accurately. We are still working with the California Franchise Tax Board on this issue. Once our
14 liability is finally determined, we will pay those obligations to the best of our ability.

15 7. David will need to make payments on back alimony and support obligations to his ex-
16 wife to the best of his financial ability.

17 8. We will need to pay all legal bills to the best of our ability.

18 9. We live in San Francisco and our expenses for a family of three are modest. Because
19 David's employment varies, with limitations in his ability to work due to poor health in dealing with
20 stage 3 cancer, all of our family's income is necessary for the support of our family.

21 We declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed this 7th day of December 2022.

23
24 /s/ David William Bartenwerfer
DAVID WILLIAM BARTENWERFER

25
26 /s/ Kate Marie Bartenwerfer
KATE MARIE BARTENWERFER

EXHIBIT A

Bartenwerfer Family Monthly Budget
For Period September 2022 - November 2022

	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>
Income			
Kate's Income	\$18,604	\$18,604	\$18,604
Kate's annual bonus			
David's Income (or unemployment)	\$12,500	\$10,000	\$12,500
<i>Total Income</i>	<u>\$31,104</u>	<u>\$28,604</u>	<u>\$31,104</u>
Expenses			
Rent	\$3,400	\$3,400	\$3,400
Utilities			
Electricity & Heating Fuel	\$167	\$165	\$160
Water and Sewer	\$53	\$71	\$74
Telephone	\$141	\$147	\$147
Cable/Satellite/Alarm	\$55	\$55	\$55
Trash collection	\$44	\$44	\$44
Internet (included with phone)			
Food	\$2,822	\$2,650	\$2,923
Clothing	\$412	\$829	\$254
Laundry and dry cleaning	\$25	\$225	\$155
Medical and dental expenses	\$1,033	\$349	\$628
Transportation (gas, public transport)	\$359	\$1,265	\$933
Recreation, clubs and entertainment, newspapers,	\$660	\$130	\$450
Education	\$0	\$0	\$0
Insurance			
Renters	\$27	\$27	\$27
Life	\$107	\$107	\$107
Health	\$1,017	\$1,017	\$1,017
Auto (monthly cost of bi-annual bill)	\$103	\$107	\$111
Other			
Taxes			
Income Tax, FICA	\$11,508	\$10,583	\$11,508
Installment payments			
Auto Lease	\$414	\$414	\$414

Alimony and support paid to others ²	\$3,900	\$3,900	\$3,900
Retirement Contributions/Expenses	\$1,970	\$1,970	\$977
After School			
Legal Fees ²	\$5,000	\$2,500	\$2,500
CA FTB/IRS Settlement (TBD)			
<i>Total Expenses</i>	<u>\$33,218</u>	<u>\$29,956</u>	<u>\$29,785</u>
<i>Net Monthly Income</i>	<u>-\$2,114</u>	<u>-\$1,352</u>	<u>\$1,319</u>

² Payable when funds are available